United Nations S/AC.49/2016/44

Security Council

Distr.: General
18 July 2016

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 12 July 2016 from the Permanent Mission of Liechtenstein to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Principality of Liechtenstein to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea and has the honour to refer to Security Council resolution 2270 (2016), in which the Security Council called upon all States to report on the implementation of the resolution.

Liechtenstein has fully implemented the measures contained in resolution 2270 (2016) through the Government Ordinance on Measures concerning the Democratic People's Republic of Korea (Liechtenstein Legal Gazette 2016, No. 196). Violations are punishable in accordance with criminal law. The above-mentioned Ordinance is regularly updated following relevant decisions by the Committee.

Implementation is smooth and currently does not pose any particular difficulty. The Government of Liechtenstein is fully committed to maintaining this high level of implementation and to keeping the measures taken under review, as necessary.

16-12356 (E) 290716

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United Nations S/AC.49/2016/45

Security Council

Distr.: General
19 July 2016

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 1 July 2016 from the Permanent Mission of Lithuania to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Lithuania to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea and has the honour to transmit herewith the report of the Republic of Lithuania on measures taken to effectively implement the relevant provisions of resolution 2270 (2016) (see annex).

16-12860 (E) 030816

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Annex to the note verbale dated 1 July 2016 from the Permanent Mission of Lithuania to the United Nations addressed to the Chair of the Committee

National report of the Republic of Lithuania to the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

The Republic of Lithuania and the other member States of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea (DPRK) imposed by the Security Council in its resolution 2270 (2016) by taking the following common measures:

(a) Council Decision (CFSP) 2016/319 of 4 March 2016, implementing the designation of additional persons and entities (travel ban and asset freeze);

(b) Commission Implementing Regulation (EU) 2016/315 of 4 March 2016 amending Council Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea;

(c) Council Decision (CFSP) 2016/476 of 31 March 2016, which sets out the commitment of the European Union towards the implementation of all measures contained in Security Council resolution 2270 (2016) and provides the basis for accompanying measures specific to the European Union within the scope of the resolution, notably:

(i) Extension of export and import prohibitions to any item (except food or medicine) that could contribute to the development of the operational capabilities of the DPRK armed forces;

(ii) Requirement to expel DPRK diplomats engaged in illicit activities: targets DPRK diplomats working on behalf or at the direction of a designated individual or entity, or of an individual or entity assisting in the evasion of sanctions or violating the provisions of Security Council resolutions, including exemptions;

(iii) Requirement to expel foreign nationals involved in illicit activities: targets foreign nationals working on behalf or at the direction of a designated individual or entity, or of an individual or entities assisting in the evasion of sanctions or violating the provisions of Security Council resolutions;

(iv) Requirement to close offices of designated entities and expel representatives: member States shall close the representative offices of designated entities and prohibit such entities, as well as individuals or entities acting for them or on their behalf from participating in joint venture or any other business arrangements;

(v) Ban on specialized training, including teaching or training in specific fields;

(vi) Requirement to inspect DPRK cargo within or transiting through free trade zones or cargo that is being transported on DPRK-flagged aircraft or maritime vessels. In addition, the obligation to inspect is irrespective of any reasonable grounds to suspect that the cargo contains prohibited items;

(vii) Requirement to ban DPRK chartering of vessels or aircraft and deregister vessels, including a prohibition to provide crew services;

(viii) Requirement to prohibit nationals from operating DPRK vessels/DPRK flag;

(ix) Ban on flights of any airplane suspected of carrying contraband, with the exception of landing for inspection;

(x) Prohibition of entry into ports of any vessel controlled by a designated entity or suspected of engaging in illicit activity;

(xi) Export ban on any item that could contribute to DPRK nuclear or ballistic programmes or other weapons of mass destruction programmes;

(xii) Ban on export from the DPRK of specified minerals like coal, iron, iron ore, gold, titanium ore, vanadium ore and rare earth minerals;

(xiii) Ban on aviation fuel exports to the DPRK like aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel and kerosene-type rocket fuel;

(xiv) Asset freeze on Government entities or those of the Worker's Party of Korea associated with illegal programmes or on individuals or entities acting on their behalf;

(xv) Prohibition on the opening and operation of new branches, subsidiaries and representative offices of DPRK banks;

(xvi) Obligation to close existing branches, subsidiaries or representative offices of DPRK banks within 90 days;

(xvii) Obligation to close existing representative offices, subsidiaries or banking accounts in the DPRK within 90 days;

(xviii) Extension of the prohibition on providing financial support for trade with the DPRK and covering private financial support for trade if such financial support could contribute to illicit activities of the DPRK.

(d) Council Regulation (EU) 2016/682 of 29 April 2016 amending Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures provided by Council Decision (CFSP) 2016/476 of 31 March 2016.

Lithuania has the following national legislation requiring authorization for the sale, supply, transfer or export to third countries of arms and related materiel* and authorization for the provision of brokering services and other services related to military activities which, together with Council Decision (CFSP) 2016/849, provides the basis for enforcing the arms embargo against the DPRK and the ban on related brokering services.

(a) The Law on the Control of Strategic Goods, which states that a licence to export strategic goods shall not be issued if the issuance of the export licence is, inter alia, in contravention of international sanctions implemented in the Republic of Lithuania and the criteria listed in the Arms Trade Treaty and European Union Council Common Position 2008/944/CFSP of 8 December 2008 defining common

* This legislation applies to all goods included in the Common Military List of the European Union.

rules governing control of exports of military technology and equipment. These criteria, inter alia, provide for the respect of international obligations and commitments, in particular the sanctions adopted by the Security Council and the European Union;

(b) The Government resolution on the transportation of arms and ammunition, which includes European Union Common Position 2008/944/CFSP and Arms Trade Treaty criteria, among other export licence application assessment criteria.

Lithuania has additional national legislation prohibiting the sale, supply, transfer or export to the DPRK of arms and related materiel[b] and the provision of brokering and other services related to military activities, namely, Government resolution No. 237 of 1 March 2005 (last amended in 2016), on the approval of lists of States prohibited from engaging in the purchase, import, export or transit of goods listed in the Common Military List and other arms and ammunition, and in brokering negotiations and transactions related to goods listed in the Common Military List and other arms and ammunition.

The above-mentioned European Union Council regulations are binding in their entirety and directly applicable in all member States of the European Union.[c] Council Regulation (EC) No. 329/2007 requires member States to determine the penalties applicable to infringements of their provisions. Meanwhile, the Law of the Republic of Lithuania on the Implementation of Economic and other International Sanctions (art. 14) states that natural and legal persons shall be held liable for infringements of this Law in accordance with the procedure established by the laws of the Republic of Lithuania. The penalties determined by Lithuania are set out in article 123(1) of the Criminal Code of the Republic of Lithuania and in article 187(12) of the Code of Administrative Offences of the Republic of Lithuania.

With regard to restrictions on admissions (visa ban), Lithuania has included persons subject to this restrictive measure in the national travel ban list, following the procedure set out in the Government resolution on the implementation of political sanctions that prohibit the entry or transit of individuals through the territory of the Republic of Lithuania (2008) which, together with Council Decision (CFSP) 2016/849 and Regulation (EC) No. 539/2001,[c] provides the basis for refusal of admission and denial of requests for a visa.

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[b] This legislation applies to all goods included in the Common Military List of the European Union and other arms and ammunition not covered by the Common Military List.

[c] Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom.

United Nations S/AC.49/2016/46

Security Council

Distr.: General
21 July 2016
English
Original: Spanish

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 8 July 2016 from the Permanent Mission of Argentina to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Argentine Republic to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit herewith, pursuant to paragraph 40 of resolution 2270 (2016), the report prepared by the Argentine Republic on the steps it has taken with a view to implementing effectively the provisions of resolutions 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016), further to the information provided in its previous notes verbales (S/AC.49/2006/30 and Add.1 (see annex)).

16-12869 (E) 010816 020816

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Annex to the note verbale dated 8 July 2016 from the Permanent Mission of Argentina to the United Nations addressed to the Chair of the Committee

The Argentine Republic has the honour to inform the Security Council of the steps it has taken with a view to implementing effectively the provisions of resolutions 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016), in addition to the information provided in its previous notes verbales (S/AC.49/2006/30 and Add.1).

As a Member State of the United Nations, Argentina accepts and carries out the decisions adopted by the Security Council, whose resolutions are, pursuant to Article 25 of the Charter of the United Nations, binding.

Under article 31 of the Constitution, treaties concluded by the Argentine Republic constitute the supreme law of the land and, under article 75, paragraph 22, take precedence over domestic laws.

In this connection, Security Council provisions involving enforcement action are directly applicable in the territory of the Argentine Republic. However, in order for these measures to be enforceable, they must be promulgated by means of publication in the Official Gazette. This requirement is set out in article 3 of Act No. 24.080, which provides that international treaties and agreements creating obligations for natural persons and legal entities other than the State are binding only after their publication in the Official Gazette, in accordance with article 2 of the Civil Code, which provides that laws become binding only after their publication.

At the domestic level, and following the approval of Decree No. 1521 of 1 November 2004, a Decision by the Ministry of Foreign Affairs, International Trade and Worship is required for the promulgation of measures adopted by the Security Council. In this connection, the Decree stipulates that Security Council resolutions adopted under Chapter VII of the Charter of the United Nations which establish binding measures for Member States that do not involve the use of armed force but entail sanctions, as well as decisions regarding the amendment or termination of such sanctions, must be promulgated by the Ministry by means of a decision published in the Official Gazette. The Decree also states that when the Security Council or its subsidiary organs identify persons or entities subject to sanctions, the Ministry will promulgate and update the relevant lists by means of Decisions published in the Official Gazette.

Decree No. 1521 was amended by Decree No. 1867 of 16 October 2014 providing for the online publication of sanctions and lists of persons and entities subject to sanctions. This provision facilitates the incorporation of such lists in the domestic legal order through the official website of the Ministry and publication in the Official Gazette.

In this regard, copies of Ministerial Decision No. 409/2009[a] promulgating Security Council resolution 1874 (2009); of Ministerial Decision No. 682/2013 promulgating resolutions 2087 (2013) and 2094 (2013); and of Ministerial Decision No. 251/2013 promulgating resolution 2270 (2016) are attached.

[a] Relevant legislation is on file with the Secretariat in Spanish only, the original language of submission, and is available for consultation.

Annex to the note verbale dated 25 July 2016 from the Permanent Mission of Angola to the United Nations addressed to the Chair of the Committee

Report of the Republic of Angola on Security Council resolution 2270 (2016)

The Government of the Republic of Angola has the honour to present the following report concerning its compliance with the provisions contained in Security Council resolution 2270 (2016), in accordance with paragraph 40 of the resolution.

Soon after the adoption of resolution 2270 (2016), which strengthened the sanctions regime against the Democratic People's Republic of Korea (DPRK), the Ministry of External Relations informed all ministerial departments and relevant services of the Angolan executive branch, through an official note, of the national legal, economic and political implications of the decisions contained in the resolution.

A high-level consultation meeting was held among the ministries of the Interior, of External Relations and of National Defence to discuss and explore ways to implement and apply the measures contained in the resolution.

In due time, Angola provided further clarifications requested by the Security Council Committee established pursuant to resolution 1718 (2006), through a note from the Permanent Mission of Angola to the United Nations. These clarifications were reprised in the 2015 report of the Committee report.

Recent statements to the press by the DPRK Ambassador in Angola

In reference to the statements to the press by the Ambassador of the DPRK in Angola, Kim Hyon Il, which were made at the end of the meeting on technical security, held with the Secretary of State for the Interior, Hermenegildo José Félix, in Luanda on 30 March 2016, and which were reported by the national press agency, ANGOP, and the international media, the Angolan executive branch would like to refer to the relevant provisions of the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations in asserting that it has no comments pertaining to statements made to the press by an ambassador of a sovereign State accredited in its territory, as long as the statements do not interfere with the internal political affairs of Angola.

The Angolan executive branch interprets the political statements made by the ambassador of the DPRK in Angola as an appeal to the Angolan authorities to resume negotiations with a view to reconvening the work of the commission for bilateral cooperation between the two States, which has not convened since 2006, namely, in more than 10 years. The distinguished members of the Committee may understand the underlying reasons for the absence of meetings to date, despite the signing of a cooperative agreement that has existed for more than 30 years, long before the sanctions were enacted.

Ban on exports of any minerals and natural resources such as coal, iron, titanium, gold and rare earth minerals

The Government notified and instructed the Ministry of Geology and Mining, the Ministry of Industry, the Tax Police and the Customs General Administration to ensure strict compliance with the decisions contained in resolution 2270 (2016) and to notify the Ministry of External Relations whenever they detect any attempt to violate such provisions.

Ban on the sale or marketing of kerosene-, propanol- and/or naphtha-type jet fuel to the DPRK

The Government instructed the competent authorities — in this case the Ministry of Petroleum and the national fuel concessionary, Sonangol — about international constraints on the sale or marketing of fuel to the DPRK owing to the international sanctions regime imposed by the Security Council of the United Nations.

Mandatory inspections and prohibition of entry into port

Regarding the obligation to carry out mandatory inspections of all merchandise, containerized cargo, goods and materials from or destined for the DPRK at airports, import or export seaports or in transit in a free trade area, as well as the prohibition against entry into any port of all ships belonging to the DPRK suspected of carrying cargo, goods or services of which the sale, supply and transfer or export is prohibited, the Angolan port and airport authorities, the Tax Police, the Customs General Administration and the Ministry of Transport were notified of the new requirements imposed under resolution 2270 (2016) relating to inspections of goods and shipments to the DPRK.

Rental or charter agreements for ships and planes and provision of services to staff and crew

Regarding the prohibition of any type of rental or charter agreement or provision of services to ships and planes with the DPRK, as well as the provision of bunkering services to staff and crew of North Korean nationality, Angola does not currently have any type of contract with the Democratic People's Republic of Korea for the provision of services to ships and planes.

Freezing of funds, financial assets and economic resources

Concerning the freezing of any funds, financial assets and economic resources of the DPRK that are deposited in foreign banks, as well as funds managed by entities linked to the Government or the North Korean Worker's Party in Angola, the relevant institutions, including the ministries of Defence and the Interior and the National Bank of Angola, are surveying the situation regarding bank accounts and migratory status of citizens from the Democratic People's Republic of Korea, as well as of DPRK collaborators working in the country.

Ban on financial institutions

Concerning the ban on opening and/or operating new bank branches or subsidiaries in the DPRK or DPRK financial institutions in Angola's territory, and

on the creation of new companies and branches associated with or linked to DPRK banks and the obligation to close all existing DPRK banking agencies, subsidiaries and financial transactions within 90 days of the adoption of this resolution, there are no DPRK banks, banking agencies or branches in Angola.

The authorities at the National Bank of Angola are aware of the existence of this restriction imposed by the Security Council through its sanctions regime against the DPRK and will act accordingly.

Extension of the ban on weapons and other goods

Concerning the extension of the ban on small arms and light weapons and the ban on the transfer or shipment of all types of goods to the DPRK except food and medicine, Angola has not imported any small arms and light weapons from the DPRK in recent years.

Diplomats and government representatives

Concerning the expelling of diplomats or representatives of the government of the DPRK or nationals of other countries suspected of helping to circumvent the sanctions regime, it was not necessary to expel any DPRK diplomat from the country, as they did not represent a threat to national security and were not outright affected by any of the provisions of resolution 2270 (2016).

However, it must be noted that Kim Hyok Chan, a DPRK citizen born on 6 September 1970, carrier of diplomatic passport No. PD563410191, is on the list of individuals under investigation by the Panel of Experts established pursuant to resolution 1874 (2009) and designated for targeted sanctions such as a travel ban and asset freeze. This individual holds multiple-entry visa No. 60000/MRX/16, valid until 2 February 2017, from the Angola Ministry of External Relations. The individual is a diplomat of the DPRK and entered the national territory on 14 February 2016 from Addis Ababa.

Kim Kwanghoon, a DPRK citizen born on 9 June 1981 and carrier of passport No. M66430933, has an ordinary visa with the number 100866086/16, valid until 6 May 2016, and left the country on 5 May 2016, bound for Dubai, United Arab Emirates. The individual works for the Ofek Company.

Concerning Green Pine Pi'l Trading Corporation, also known as Saeng Pi'l Associated Company, and Beijing New Technology Trading Company, Limited, inquiries made did not uncover any new information, and the information provided in previous notes still prevails.